



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

November 17, 2022

BY EMAIL

Honorable Jed S. Rakoff
United States District Judge
Southern District of New York
500 Pearl St.
New York, NY 10007-1312

Re: *United States v. Vitaly Borker, 22 Cr 273 (JSR)*

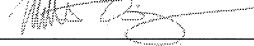
Dear Judge Rakoff:

The Government writes with respect to the trial date in the above-captioned matter. As the Court is aware, a trial had been scheduled for November 20, 2022. On October 21, 2022, the Court granted defense counsel's motion to withdraw and adjourned the November 21, 2022 trial date. After new counsel was appointed, the parties conferred and, after consultation with the Court, calendared a trial date of February 13, 2023.¹

The Government requests the exclusion of time pursuant to 18 U.S.C. § 3161(h)(7), in the interests of justice, between the previously scheduled trial date, November 20, 2022, and the newly scheduled trial date, February 13, 2023. The interests served by such an exclusion outweigh the public and the defendant's interest in a speedy trial because an exclusion will allow time for newly appointed counsel to review discovery and for the parties to prepare for trial and engage in pretrial resolution negotiations. The defendant consents to the requested exclusion.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

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¹ On October 31, 2022, the Court entered a "Memorandum to the Docket Clerk" on ECF indicating that the trial was adjourned from November 20, 2022 to February 21, 2023. However, following additional discussions between the parties and the Court, the trial date was calendared for February 13, 2023.